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4701 WILLARD AVENUE, CHEVY CHASE, MARYLAND 20815 (301) 656-4068

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SUBJECT Robert Gates' Confirmation Hearings

PETER JENNINGS: It has been a sight which the public rarely sees. In Washington today, the man who will likely be the new Director of the CIA has been giving public testimony on how he thinks the Agency should be run and how he thinks it has behaved during the Iran affair. Robert Gates is the professional intelligence officer nominated by the President to replace William Casey, who was too ill to carry on and resigned.

ABC's Brit Hume was there to hear Gates' testimony.

BRIT HUME: The Deputy CIA Director had a tough job. He was seeking the Senate's approval to become head of an agency embroiled in a scandal in which he played a part. What's more, Congress had been kept in the dark about the whole thing.

ROBERT GATES: Let me acknowledge for the record that there were shortcomings in CIA's participation in the Iran project. The entire undertaking was a unique activity that we are all determined not to repeat.

HUME: Gates said if he had it to do over, he would try to get the President to reverse himself and inform Congress about the Iran arms sales. And he said he would consider resigning if ordered to keep Congress in the dark ever again.

As for the gun-running to Iran itself, Gates was asked how he would have advised the President in the first place if he had been the CIA chief.

GATES: I would probably have recommended against it.

HUME: So far, so good. But what about the briefing he

got from one of his intelligence officers last October 1st, two months before the Contra connection became public? Gates was told then Iran arms money might have been diverted to the Contras. Gates said he had CIA chief Casey briefed on the matter, and later it was called to the attention of Reagan National Security Adviser John Poindexter. But again and again he was asked, why didn't he tell Congress?

GATES: I recognize by obligation, by law, to inform the oversight committees of any illegal intelligence activities. Yet at no time in October or November, or in fact to this day, has any evidence or information been brought to me of any illegal intelligence activity in the Iran project. I considered in October and November, and even today, that it would have been irresponsible to report to these bodies the flimsy speculation of 1 October.

HUME: And besides, Gates said, the Iran deal was not really an intelligence operation, it was a National Security Council operation.

That did not go down well.

SENATOR SAM NUNN: What you're tellin us is we can't rely on you, as Director of the Central Intelligence Agency, under the existing law, to tell us anything that's illegal going on in the National Security Council, even when it comes to your attention. That's what you're saying.

GATES: Well, that's not what I intend to say.

SENATOR NUNN: It doesn't sound good, but that's what you're saying.

HUME: Later, Gates stated his position quite a different way.

GATES: I think, in light of this experience of the last few months and all that has flowed from it, I certainly do wish that I had launched a more intensive investigation at that time.

HUME: Congress doesn't like secret operations that skirt or break the law, and it hates not being told. If Gates didn't know that before today, he seemed to get the drift. And he's expected to be confirmed.